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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,534	09/27/2001	Corinne Elizabeth Augelli-Szafran	A0000336-01-DRK	5264

7590

01/26/2004

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EXAMINER-

OWENS, AMELIA A

ART UNIT

PAPER NUMBER

1625

DATE MAILED: 01/26/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,534

Applicant(s)

AUGELLI-SZAFRAN ET AL.

Examiner

Amelia A. Owens

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Claims 1-11 are pending. No drawings were filed with the application.

Applicant's election with traverse of group I, claims 1-7 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that the application teaches one inventive concept. This is not found persuasive for the reasons of record.

The requirement is still deemed proper and is therefore made FINAL.

Claims 8-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9.

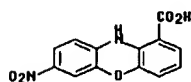
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

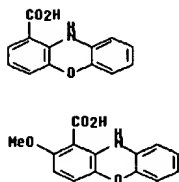
Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugumu et al CA 127:190752.

Sugumu et al teach compound according to the claims. See abstract.



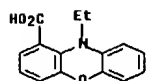
Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu et al CA 115:149732.

Yu et al teach species according to the invention. See abstract.



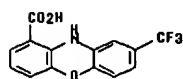
Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Antonio et al CA 110:192750.

Antonio teach species according to the invention. See abstract.



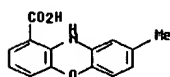
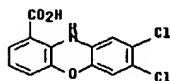
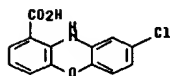
Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Horodniak et al CA 89:100160.

Horodniak et al teach species according to the invention. See abstract.



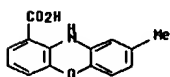
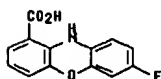
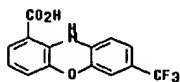
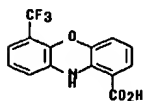
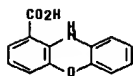
Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Blank et al CA 71:124455 which corresponds to USP 3,475,427.

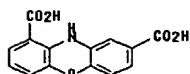
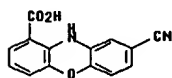
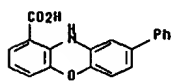
Blank et al teach species according to the invention. See abstract.



Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Blank et al CA 69:36049.

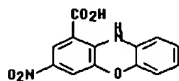
Blank et al teach species according to the invention. See abstract.





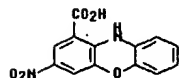
Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sen et al CA 52:13734c-i.

Sen et al teach species according to the invention. See abstract.



Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Noda CA 52:4018f-g

Noda teach species according to the invention. See abstract.



• Na

Claims 3,4, 6 and 7 are not included as the prior art does not teach or fairly suggest the claimed compounds or their use.


Claims 3 and 4 are allowable.

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia A. Owens whose telephone number is 703-308-4707. The examiner can normally be reached on Monday - Friday from 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan L. Rotman can be reached on 703-308-1235. The fax phone number for the organization where this application or proceeding is assigned is 703-308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.



Amelia A. Owens
Primary Examiner
Art Unit 1625